

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

NIPPON SHINYAKU CO. LTD., )  
Plaintiff, )  
v. ) C.A. No. 21-1015 (GBW)  
SAREPTA THERAPEUTICS, INC., )  
Defendant. ) **DEMAND FOR JURY TRIAL**  
SAREPTA THERAPEUTICS, INC. and THE )  
UNIVERSITY OF WESTERN AUSTRALIA )  
Defendant/Counter Plaintiffs, )  
v. )  
NIPPON SHINYAKU CO., LTD. )  
and NS PHARMA, INC. )  
Plaintiff/Counter Defendants. )

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**PLAINTIFF'S CONCISE STATEMENT OF FACTS IN SUPPORT OF ITS MOTION  
FOR PARTIAL SUMMARY JUDGMENT NO. 4 -  
NO ANTICIPATION**

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Nippon Shinyaku Co., Ltd. and Counterclaim  
Defendant NS Pharma, Inc.*

**Dated: December 11, 2023**

1. Sarepta Therapeutics, Inc. (“Sarepta”) and the University of Western Australia (“UWA”) have asserted that claim 3 of the ’092 Patent, claim 2 of the ’461 Patent, and claims 1-4 of the ’217 Patent are anticipated by U.S. Patent Publication No. 2010/0168212 A1 (“’212 Popplewell”).

2. Each of claim 3 of the ’092 Patent, claim 2 of the ’461 Patent, and claims 1-4 of the ’217 Patent requires that the 5’-end of the claimed PMO is attached to a triethylene glycol (“TEG”) group.

3. It is undisputed that ’212 Popplewell does not disclose a PMO with the claimed 5’-TEG limitation. Ex. 13 (Dowdy Dep.) at 123:25–124:3; Ex. 2 (Reply Expert Report of Steven F. Dowdy, Ph.D.) ¶ 50.